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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SERGEI & ELENA PORTNOY,

No. CIV-S-08-1266 MCE GGH PS

Plaintiff,

vs.

ORDER

UNITED STATES OF AMERICA, et al.,

Defendants.

_____ /

On December 11, 2008, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within ten days. Plaintiffs filed objections on December 22, 2008, and they were considered by the district judge.


This court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made, the court assumes its correctness and decides the motions on the applicable law. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979).

1 The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley
2 Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).

3 The court has reviewed the applicable legal standards and, good cause appearing,
4 concludes that it is appropriate to adopt the Findings and Recommendations in full. Accordingly,
5 IT IS ORDERED that:

- 6 1. The Findings and Recommendations filed December 11, 2008, are ADOPTED;
7 and
8 2. This action is dismissed without prejudice. See Fed. R. Civ. P. 41(b).

9 Dated: April 3, 2009

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12 MORRISON C. ENGLAND, JR.
13 UNITED STATES DISTRICT JUDGE
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